IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE SMT JUSTICE T.MEENA KUMARI**

**and**
**THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY**

**WRIT APPEAL NO : 1101 of 2005**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02/09/2004 in WP NO : 12714 OF 1993 on the file of the High Court.)

Between:

1 The Vice Chairman/Managing Director, The Non-Conventional Energy Development Corporation of Andhra Pradesh, Pisgah complex, Nampally, Hyderabad.
2 Assistant Manager (Admn) & Secretary I/C, The Non-Conventional Energy Development Corporation of Andhra Pradesh, Pisgah complex, Nampally, Hyderabad.

..... APPELLANTS

AND

P.Nagamuni, S/o.Yellaiah, O/o. Non-Conventional Energy Development Corporation of Andhra Pradesh, Hyderabad.

.....RESPONDENT

Counsel for the Appellants: MR.G.BHASKAR

Counsel for the Respondent : MR.A.SURYANARAYANA MURTHY

The Court made the following :

JUDGMENT: ( Per the Hon'ble Smt Justice T.Meena Kumari)

The appellants call in, question the legality of the order rendered by a learned single Judge of this Court in W.P.No.12714 of 1993 dated 2.9.2004.

The essential facts of the case, which are necessary for decision of the appeal, may be stated in brief:

The respondent worked as Assistant Technician in Non-Conventional Energy Development Corporation, A.P. Limited, Nuzvid, Krishna District. On 3.2.1993, a charge memo was issued to the petitioner alleging certain irregularities, for which he submitted a reply on 7.3.1993. Subsequently, on 26.7. 1993, the respondent was called upon to explain on or before 15.8.1993 as to why his services should not be terminated. Having aggrieved by the same, the present writ petition has been preferred by the respondent.

No counter-affidavit has been filed by the appellants despite service of notice in the writ petition.

On over all consideration of the matter, the learned single Judge having observed that no enquiry had been conducted by appellants-Corporation while issuing the show cause notice to the respondent and conducting of the enquiry at this belated stage, would cause prejudice to the employee, allowed the writ petition. However, it is made clear by the learned single Judge that the Corporation is at liberty to recover the amount in question, but, the further proceedings shall be dropped.

Feeling aggrieved, the appellant-Corporation, preferred the present writ appeal.

We have scrutinized the entire material on record.

There is no dispute that no enquiry has been initiated before issuing the show cause notice in question. The show cause notice pertains to the year 1993. Due to the afflux of time and in view of the fact that no enquiry has been initiated prior to issuance of the notice in question, We are of the view that it is a fit case to modify the order of the learned single Judge to the effect that the appellants are at liberty to conduct the departmental enquiry after affording an opportunity of hearing to the respondent, in accordance with the rules and regulations, within a period of three months from the date of receipt of a copy of this order. However, the finding of the learned single Judge as to the show cause notice, is upheld.

The writ appeal is disposed of to the extent indicated above, with no order as to costs.

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T.MEENA KUMARI, J

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P.LAKSHMANA REDDY, J

30.06.2005

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To

1 The Vice Chairman/Managing Director, The Non-Conventional Energy Development Corporation of Andhra Pradesh, Pisgah complex, Nampally, Hyderabad.
2 Assistant Manager (Admn) & Secretary I/C, The Non-Conventional Energy

Development Corporation of Andhra Pradesh, Pisgah complex, Nampally, Hyderabad.

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